



Headquarters Human Resources

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Is it Misconduct or is it Performance?

This will be the Service's second year on the 5-level system. As managers have more experience with the system, more questions arise about how to rate an employee's performance and what to do about employees whose performance is less than satisfactory. Dealing with poor performance is never easy – it can be a time consuming process for supervisors. Generally, the best advice for any manager is to deal with the situation as quickly as possible. However, the most common question is "How do I deal with the problem?"

Under the federal personnel system there are two ways to deal with performance type issues, through a performance based action, commonly referred to as a 432 action, or through the adverse action (conduct) system, known as a 752 action. It may seem odd to address a performance problem through the adverse action procedures, but it may be the most effective method to deal with the problem. Below is a summary of each type of action and an example of when it might be the most appropriate method for dealing with an issue:

Performance based actions (432):

A performance based action is generally a removal or a demotion for unacceptable performance. These actions are based on an employee's formally established performance standards. Employees are entitled to an opportunity period designed to allow them the chance to improve their performance to an acceptable level. Within the Service this period is typically 30 to 45 days, but can vary based on the individual circumstances. Managers can only use performance deficiencies that have occurred in the past year. Employees remain in their position during the improvement period. Once a final decision is made regarding removal or demotion, the decision may not be mitigated; it is either sustained or reversed. Contrary to popular belief, the performance improvement period is NOT the time for the employee to learn the job, it's a time to prove they can DO the job. Additional information on the Service's performance management system can be found at <http://www.fws.gov/policy/224fw1.html>.

Adverse Actions (732):

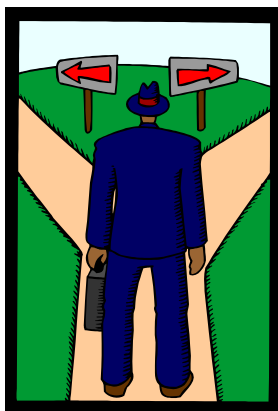
An adverse action is taken for conduct related issues, and includes formal reprimands, suspensions, demotions and removals. Actions are based on expectations or established standards. Employees are not entitled to an opportunity to improve, however supervisors should be able to demonstrate that the employee was aware the conduct was unacceptable. These actions can be based on events that happened over any period of time – although to be effective, action should be taken as soon as possible after the misconduct occurred. If the conduct is serious enough, there are procedures for removing the employee from the work site during the decision process. Adverse Actions may be mitigated by deciding officials. The Service policy on adverse actions can be found at <http://www.fws.gov/policy/227fw2.html>.



So, now that you know the difference between the two types of actions, the next question is which type of action should you use? Many times it may be difficult to determine what type of action will be the most

effective and the most appropriate. Performance actions should be taken when the employee is unable to perform a function of their position. Conduct actions are taken when a behavior or activity needs to be corrected immediately. Here are a few specific examples:

Situation 1: Supervisor Jones has an employee, Suzy Smith, who is responsible for preparing travel documents for Branch employees. After completing their travel, Branch employees give receipts and other documents to Suzy to complete the travel voucher. Suzy then enters the expenses into a spreadsheet used to track Branch spending. Suzy has been in this position for 6 months. Not once during this six months has Suzy completed the voucher or entered the data into the spreadsheet correctly. None of Suzy's prior positions required her to prepare travel vouchers or use a spreadsheet. Preparing travel is one of the critical elements in Suzy's performance plan.



In this situation Supervisor Jones, should discuss the deficiencies with Suzy and place her on a performance improvement plan or PIP. With training and coaching Suzy should demonstrate that she can prepare travel vouchers and use a spreadsheet. During this period of time, Suzy should be given an interim rating, closely supervised and given feedback about her performance. If Suzy does not become fully successful at the completion of the PIP period, action should be taken using the performance (432) route.

Situation 2: In this case we are using the same supervisor, employee, and responsibilities as above. However, this time Suzy has been in the position for 2 years. Suzy previously completed the vouchers accurately and kept the spreadsheet up to date. Over the past 6 months Suzy's work quality has dropped dramatically and, during this time, every voucher has had errors. Since Suzy has demonstrated that she can do the work, this isn't necessarily a performance issue.

Supervisor Jones can treat this as a conduct issue and take action under the adverse action procedures (732). In this case, an appropriate charge could be failure to complete assigned work accurately. Supervisor Jones does not need to give Suzy any time to correct the situation; he can expect her to begin completing her assignments correctly immediately. If she fails to do so, Supervisor Jones can proceed with progressive discipline in accordance with Service policy, which can lead to Suzy's removal.

Another way to differentiate between the two methods is to review the situation. Is the problem something that would be acceptable to correct over a period of time, for example 30 to 45 days? Or is the problem something that needs to be corrected immediately? If the answer is immediate, then the adverse action method is the direction you should head – a great example is a safety issue. While an employee's performance standard may say, "Uses the proper safety measures to complete assigned duties," if an employee is not using the proper safety equipment when working, generally we wouldn't want to give them 30 to 45 days to correct their behavior – we want to correct the situation immediately. This situation would be better addressed through the adverse action, rather than through the performance route.

Addressing both performance and conduct issues can be a confusing, stressful and time consuming process for any supervisor or manager. Your HQHR Employee Relations and Benefits Team is here to help you through the process. Our goal is to help you navigate the process and ensure a straightforward conclusion. We strongly encourage all supervisors and managers to contact us as soon as possible with any conduct and performance issues, addressing these issues quickly will make the process more effective and hopefully correct the situation sooner rather than later.

Please contact Rebekah Giddings at 703-358-2117 with any conduct or performance related issues or questions.

**Headquarters
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New Employee Orientation – A Success



On June 6 and 7, Headquarters Human Resources offered our first new employee orientation. We had about 30 attendees who were new to Headquarters, the Service, or the Federal Government. Program offices were invited to make presentations to the attendees explaining their office's role within the Service and within Headquarters. Employees also had an opportunity to visit Patuxent Research Refuge and see first hand some of the exciting work the Service does. It was a great opportunity to welcome our new employees to the Service! HQHR thanks everyone involved in the program –

without you we couldn't have done it!

The 2006 Performance Year – The End is Here

We spent much of the 2006 performance year catching our breath, and now we've reached the end of this performance year. The following FAQ's are designed to help managers and supervisors prepare for the end of the FY06 performance year.



Frequently Asked Performance Questions

1. What period of time is covered by the 2006 performance appraisal?

Employees must be assigned a summary rating based on their performance from October 1, 2005 through September 30, 2006, no later than October 31, or upon completion of the 90-day rating extension period. Additionally, the original of the completed employee performance appraisal plan, must be submitted to HQHR by November 30. Managers and supervisors should make copies of the original EPAP's for their files. HQHR will file the original EPAP in the employee's performance file.

2. Are there any exceptions to this rule?

The annual appraisal period may be extended for up to a maximum of 90 days past the end of the appraisal period to allow for rating of employees who have not been in the same position, under the same supervisor, or under a written performance plan for the full 90 days at the end of the appraisal year.

3. Who is eligible to receive a summary performance appraisal?

All permanent full-time and part-time employees are eligible and required to have a summary narrative rating if they have been under the supervision of one supervisor for at least 90 days or more, and who have been under an established performance plan for a minimum of 90 days. Temporary employees also qualify if they have worked more than 120 days during the annual appraisal period ending on September 30, and for the last 90 days and have been supervised by the same supervisor and covered by a performance plan.



4. What are the appraisal procedures if an employee did not have a written Employee Performance Appraisal Plan (EPAP) during the rating period?

Service employees are required by regulation to be working under written elements and standards. However, if the employee did not work under a written EPAP for the last 90 days of the rating cycle, the rating period must be extended and the extension documented on the EPAP. A performance plan must be immediately established and put into effect. When the 90-day period is met, a rating of record is assigned. Once a rating is assigned, the original plan should be submitted to HQHR.

5. What are interim ratings and how are they used?

The regulations require that all interim appraisals that an employee may have received during the rating year be considered in arriving at a summary rating. In other words, if an employee completes a detail or temporary promotion more than 120 days, changes positions, transferred from another agency, and covered by standards for at least 90 days during the appraisal period, the former supervisor should have prepared an interim appraisal. Interim appraisals are also completed when the employee has been under the performance plan for

at least 90 days and the supervisor leaves his/her supervisory position during the annual appraisal period. The rating official is responsible for combining such information in arriving at an overall summary rating.

6. Who is responsible for appraising employees?

The first-level supervisor of record as of September 30 is normally the individual who is responsible for preparing the written appraisal. If the first-level supervisor has not supervised the employee for 90 days and the employee is eligible for a rating (performed for at least 90 days under the EPAP), the reviewing official may perform the rating. The reviewing official is the next level supervisor in the chain of command.

If the employee moves to another position during the last 90 of the rating period (i.e., August 1 to September 30), the supervisor of record on September 30 remains responsible for assigning the summary rating, but the rating period must be extended until the 90-day requirement is met. When the 90-day period is completed, the supervisor of record on September 30 arrives at an overall summary rating, based upon the last 90 days and any interim appraisals provided by the previous supervisor.

If the supervisor of record leaves in the final 90 days of the rating period, and the employees meet the criteria for rating, the departing supervisor will prepare a summary rating for his/her employees which will serve as the rating of record for that rating period.

7. What procedures does a first-level supervisor follow in appraising an employee?

Provide a narrative statement for each critical element of how the employee actually performed in relation to the standard(s) established for each element rated Exceptional, Minimally Successful, or Unsatisfactory. For those cases where an employee will be recognized with an award based on their performance appraisal, managers must also provide a narrative summary for each critical element rated Superior.

The narrative must clearly state whether the employee exceeds, meets, or is less than fully successful for each critical element and must provide specific descriptions or examples of performance.

Assign the employee an overall rating at one of the five prescribed levels. To determine the summary rating, use the conversion worksheet and conversion scale on page 1 of the EPAP.

8. What is the importance of having an annual performance review?

An annual performance review is an effective management tool to highlight the positive and negative consequences. Positive consequences include rewarding and recognizing employee performance, within-grade-increases, and promotions. Negative consequences may include counseling, reassigning, removing, or downgrading the employee.

Links to other personnel actions are dependent upon having a performance rating of record such as granting within-grade-increases, promotions, and determining additional retention service credit for reduction in force. In addition, applications for federal jobs require submission of recent performance appraisal. Supervisors and managers have a mandatory critical element for Management Excellence that includes the duty, "effective performance management."

9. Is there a deadline for granting performance awards?

Performance awards must be initiated no later than 60 days from the due date of annual performance ratings. The due date for annual performance ratings is October 30, unless an extension is warranted and justified for good cause, i.e., the appraisal period was extended for 90 days to meet the minimum requirement to receive a performance rating. For FY06, all performance awards must be submitted to HQHR by December 8, 2006, in order to process them by December 30. (See Director's Order No. 187, Performance-Based Awards, at <http://www.fws.gov/policy/do187.pdf>)



10. Where can I find additional guidance on the performance appraisal system?

For additional guidance on the Performance Appraisal System see the Department of the Interior Performance Appraisal Handbook, A Guide for Managers/Supervisors and Employees (<http://www.doi.gov/hrm/guidance/370dm430hndbk.pdf>), and 224 FW 1, Performance Management System (<http://www.fws.gov/policy/224fw1.pdf>). If you have additional questions, please contact HQHR at 703-358-1743.



To better assist you with the performance appraisal process, we would appreciate any comments or concerns that you had or have concerning any aspects of the performance appraisal process, e.g., need assistance in writing critical elements and standards, evaluating and rewarding employees, etc. Please email them to Kimm_Slayton@fws.gov.

Performance Top Tens!

Top Ten Tips for a Successful Appraisal

10. Schedule in advance
9. Meet in a neutral location to encourage dialogue and avoid interruptions
8. Ask the employee to prepare a list of accomplishments and to send them to you in advance
7. Make this conversation part of your continuing dialogue throughout the year
6. As each element is reviewed, ask them first how they would rate themselves before you discuss how you rated them
5. Review their PD at the session and discuss what, if any, action may be needed to keep it current
4. Discuss their immediate development needs (in the next year), career goals (5 to 10 years), and ways in which the Service can help (initial IDP planning);
3. Discuss suggestions for changes in the plan for next year
2. Ask them how YOU can help them be more successful,

And, the Number One way to make an appraisal successful is....

1. Leave them thinking about what you said, not how you treated them!

Top Ten Pitfalls to Avoid During an Appraisal

10. Reschedule multiple times
9. Allow interruptions
8. Dump all your concerns for the year on the employee for the first time (the real October surprise!)
7. Not write a narrative summary for any of the elements,
6. Give an Unsatisfactory Summary Rating without a performance improvement period
5. Give an Exceptional Summary Rating without considering a performance award
4. Blaming your supervisor on the rating or the lack of an award
3. Telling them they should be "happy" with a Fully Successful (hey, maybe they should but you aren't allowed to give them a performance award with a fully successful rating, so don't expect glee). Instead discuss how they could exceed the fully successful level in the future
2. Incorrectly compute the summary rating

And, the Number One thing to avoid during an appraisal is...

1. Leave them thinking about how you treated them, not what you said!

ID Cards...You've Got to Have One!

Expired? Lost? New? Do you have an employee who needs a DOI ID card?

The Department of the Interior currently issues ID cards to Service employees, contractors, volunteers, and anyone else in the D.C. metro area who has logical access to Service information systems and/or physical access to Service facilities – basically our computer systems or buildings. The cards are issued through a process called Personal Identity Verification, or PIV. The PIV process is dramatically different from the way we used to issue ID cards. For a card applicant who has a current background investigation, the process takes about 5 days, for those without the investigation, the process can take approximately 30 days. These cards are commonly known as a "Smart Card." Generally, a Smart Card consists of an ID card with an integrated microprocessor and memory chip. The new process is a result of Homeland Security Presidential Directive-12 (HSPD 12), additional information on HSPD 12 can be found at <http://www.doi.gov/hspd12/index.html>.



If you have an employee, contractor, volunteer, or someone else who needs an ID card, the process involves 3 basic contacts: your Administrative Officer (AO), Human Resources (HR), and the DOI Security Office. The process is initiated by your AO, who sends the name request (including social security number & org code) to Kathy Cannavino in HR. Kathy can be reached at 703-358-2576. HR will verify that the

background investigation requirement has been met. If there is no prior investigation, or the investigation is not up-to-date, one will be initiated – HR will work with your AO to initiate the necessary investigation. Under current Office of Personnel Management policy, all investigations expire after 15 years. If we have an investigation on record, or once we receive the advance results of a pending investigation, HR will contact the AO, who then will send the PIV request application (DI 2005) and instructions to you – the employee's supervisor. Supervisors complete the "sponsor" section, Part A, and forward it to HR (Attention Kathy Cannavino, Mailstop: 2000HR). Upon receipt of the PIV form from the sponsor, HR contacts the employee to set up an appointment for ID proofing. Proofing consists of providing 2 forms of ID from an acceptable ID list which we provide to employee via email. The PIV application is then sent to the DOI Security Office for final processing and issuance of DOI ID card. At this point, HR will contact the employee to let them know they can go to the DOI Security Office to complete the application process and pick up their new ID card. They must bring the 2 forms of ID originally presented to HR with them. The original forms will be reviewed by the DOI Security Office staff and an ID photo will be taken. The DOI Security Office staff will then issue a new DOI ID card to the employee. Whew...we know this is a long and confusing process, but HR is working with your AOs to insure it is completed as quickly and painlessly as possible!

Another major component of HSPD 12 is that after **October 27, 2006**, new hires or contractors without a background investigation **cannot** begin their employment with the Service until the advanced results of their investigation has been completed and favorably adjudicated. This process can take approximately 30 days.

Employees who have a valid, current DOI issued ID card will begin receiving a new Smart Card over the next year. DOI is currently developing an approach to phase in the issuing of the new cards. Employees should be looking at the expiration dates on their cards and should let your AO know about 30 days before the expiration date that they need a new card – this will prevent their cards from expiring before a new one is issued.

We understand that this process is much different from how we've issued cards in the past. HR is committed to helping you and your staff find their way through the process as efficiently as possible. Please give us a call with any questions you may have!

